

### Remarks/Arguments

Reconsideration of this application is requested.

#### **Claim Status**

Claims 3, 15, 17-19, 21-31 and 40-44 were presented. Claims 3, 17-19, 22 and 40-44 are amended. Claims 45-48 are added. Claims 3, 15, 17-19, 21-31 and 40-48 are now pending.

#### **Claim Rejections – 35 USC 103(a)**

Claims 3, 15, 17-19, 21, 29, 31 and 40-44 are rejected under 35 USC 103(a) as obvious over Kubo (US 2002/0196348) in view of Loui (US 6,937,273). Claims 22-28 and 30 are rejected as obvious over Kubo in view of Loui and Monti (US 6,680,748). In response, applicant traverses the rejections, and amends independent claims 18, 43 and 44 to clearly distinguish over Kubo, Loui and Monti. Claim 18, for example, is amended to recite:

*...an interrupt processing section that sequentially executes a processing to suspend the moving picture pickup processing by the imaging section, a processing to pickup a still picture by the imaging section, and a processing to resume the moving picture pickup processing by the imaging section, when an instruction is given to execute a still picture pickup while the processing for picking up a moving picture with a voice is being executed...*

*...a voice recording controlling section that terminates the voice recording processing executed by the voice recording section at the time of termination of the moving picture pickup processing by the imaging section, when the moving picture pickup processing by the imaging section is terminated in response to an instruction that is given to terminate the processing for picking up a moving picture with a voice while the processing for picking up a moving picture with a voice is being executed, and that keeps the voice recording section keep executing the voice recording processing, when the moving picture pickup processing by the imaging section is suspended in response to an instruction that is given by the interrupt processing section to execute a still picture pickup...*

Claims 43 and 44 are amended in similar fashion. The Action acknowledges that Kubo fails to disclose voice recording processing in parallel with moving picture pickup processing, but asserts that Loui provides such a teaching. However, Loui merely discloses a conventional voice recording controlling method in a process for picking up a moving picture with a voice. According to Loui, when an instruction is given to a moving picture pickup section to cease a process for picking up a moving picture with a voice that is being executed, a voice recording section terminates a voice recording process at the same time that the moving picture pickup section ceases the process for picking up the moving picture with the voice. Thus, Loui discloses a conventional method of starting and/or terminating a process for picking up a moving picture with a voice, but contains no disclosure or suggestion for control of the voice recording process when a still picture pickup process is executed while the process for picking up a moving picture with a voice is being executed, as is recited by claims 18, 43 and 44, as amended.

Monti does not remedy the deficiencies of Kubo and Loui in this regard. Accordingly, since Kubo, Loui and Monti do not disclose or suggest each and every feature of claims 18, 43 and 44, as amended, claims 18, 43 and 44 and claims 3, 17, 19, 21-31 and 40-42 dependent thereon are not obvious over Kubo, Loui and Monti. The rejections of claims 3, 15, 17-19, 21-31 and 40-44 under 35 USC 103(a) should therefore be withdrawn.

#### **New Claims**

New dependent claims 45-48 are added to better define the invention and distinguish over the art of record.

#### **Conclusion**

This application is now in condition for allowance. The Examiner is invited to contact the undersigned to resolve any issues that remain after consideration and entry of this amendment.


Appl. No. 10/722,734  
Amdt. dated March 31, 2008  
Reply to Office Action of December 31, 2007

Atty. Ref. 81874.0036  
Customer No. 26021

Any fees due with this response may be charged to our Deposit Account No.  
50-1314.

Respectfully submitted,  
HOGAN & HARTSON L.L.P.

Date: March 31, 2008

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